

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	CRIMINAL NO. SA-22-CR-00579-XR
)	
MOISES JAEKOB VARGAS,)	
)	
Defendant.)	

**UNITED STATES OF AMERICA'S
MOTION FOR FINAL JUDGMENT OF FORFEITURE**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and files its Motion for Final Judgment of Forfeiture, pursuant to the provisions of Fed. R. Crim. P. 32.2(c)(2) and Title 21 U.S.C. § 853(n)(1-7), and in support thereof says the following:

I.

On March 23, 2023, Defendant entered a plea of guilty pursuant to a written Plea Agreement (Doc. 22), to Count One of the Indictment (Doc. 1) returned against him, charging him with the violation of Title 18 U.S.C. § 2252A(a)(5)(B).

II.

As part of his guilty plea, said Defendant agreed to forfeit his interest in certain property and stipulated that the factual basis within his Plea Agreement (Doc. 22) was true and correct, which establishes by a preponderance of the evidence the nexus between the below listed property that was used to commit or promote the commission of the violation:

1. Silver iPhone 12 ProMax; IMEI: 356789280851559; and
2. Any and all other property involving any visual depiction described in Title 18, United States Code sections 2251, 2251A, 2252, 2252A, 2252B, or 2260,

hereinafter referred to as the Subject Personal Property.

III.

On June 15, 2023, the Court entered a Preliminary Order of Forfeiture (Doc. 32) and pursuant to said order, the notice of forfeiture was posted on an official government internet website (www.forfeiture.gov) for at least thirty (30) consecutive days, beginning on June 30, 2023, and ending on July 29, 2023, as required by Fed. R. Crim. P. 32.2(b)(6)(C). The Declaration of Publication (Doc. 37) was filed on August 18, 2023.

IV.

The United States of America knows of no other potential persons or entities who may have a third-party interest in the Subject Personal Property. Court records for the United States District Clerk's Office, San Antonio Division, reveal that no petitions were filed in this cause by any third-party interests against the Subject Personal Property pursuant to the provisions of Title 21 U.S.C. § 853(n)(1-7) and Fed. R. Crim. P. 32.2(b)(2), and the time for filing such petitions has expired.

V.

On September 6, 2023, the Defendant was sentenced to be imprisoned for a total term of twenty-four (24) months and the Subject Personal Property was included in his Judgment in a Criminal Case (Doc. 42) entered by this Court on September 9, 2023. Accordingly, this matter is ready for final disposition.

VI.

The United States of America moves the Court to find that the United States of America has established the requisite nexus between the Subject Personal Property and the violation described above by virtue of the Defendant's plea agreement with the factual basis contained therein. The United States further moves the Court to find that the Defendant has an interest in the Subject Personal Property.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of the Defendant in the Subject Personal Property be forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of all other potential petitioners, in the Subject Personal Property be held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves this Court to order that the Federal Bureau of Investigation and/or the United States Marshals Service and/or its designated agent, seize, take custody, control, and possession of the Subject Personal Property, and dispose of the Subject Personal Property in accordance with law.

Plaintiff, United States of America, further moves this Court to order that all terms and provisions contained in this Court's Preliminary Order of Forfeiture (Doc. 32) entered on June 15, 2023, in so much as may be applicable and consistent with this Order, shall remain in full force and effect.

WHEREFORE, ALL PREMISES CONSIDERED, the United States of America moves this Honorable Court for a Final Judgment of Forfeiture against the Subject Personal Property wherein all right, title, and interest in said Subject Personal Property shall enure to the United States of America.

Respectfully submitted,

JAIME ESPARZA
United States Attorney

By: /s/
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CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2023, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Stephen H. Gordon
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Attorney for Defendant MOISES JAEKOB VARGAS

/s/
RAY A. GATTINELLA
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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UNITED STATES OF AMERICA,)	
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Plaintiff,)	
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MOISES JAEKOB VARGAS,)	
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FINAL JUDGMENT OF FORFEITURE

Came on to be considered the United States of America's Motion for Final Judgment of Forfeiture, pursuant to the provisions of Fed. R. Crim. P. 32.2(c)(2) and Title 21 U.S.C. § 853(n)(1)-(7), and this Court being fully and wholly apprised in all its premises, finds said Motion meritorious. The Court finds that the United States of America has proven by a preponderance of the evidence the nexus between the property described below and the violation of Title 18 U.S.C. § 2252A(a)(5)(B), by virtue of the Defendant's plea agreement with the factual basis contained therein. The Court further finds that the Defendant has an interest in the property described below and does hereby GRANT said Motion. IT IS THEREFORE,

ORDERED that all right, title, and interest of the Defendant in the property described below, to wit:

1. Silver iPhone 12 ProMax; IMEI: 356789280851559; and
2. Any and all other property involving any visual depiction described in Title 18, United States Code sections 2251, 2251A, 2252, 2252A, 2252B, or 2260,

hereinafter referred to as the Subject Personal Property be, and hereby is, forfeited to the United States of America; and IT IS FURTHER,

ORDERED that any and all right, title, and interest of any and all other potential petitioners, in the Subject Personal Property be, and hereby is, held in default and FORFEITED to the United

States of America; and IT IS FURTHER,

ORDERED that the Federal Bureau of Investigation and/or the United States Marshals Service and/or its designated agent, shall seize, take custody, control, and possession of the aforementioned forfeited Subject Personal Property, and shall dispose of same in accordance with law; and IT IS FURTHER,

ORDERED that all terms and provisions contained in this Court's Preliminary Order of Forfeiture (Doc. 32) entered on June 15, 2023, in so much as may be applicable and consistent with this Order, shall remain in full force and effect.

IT IS SO ORDERED.

SIGNED this _____ day of _____, 2023

XAVIER RODRIGUEZ
United States District Judge